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Convention on the Elimination of all Forms of Discrimination Against Women

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION
AGAINST WOMEN (CEDAW)
Ninth session
New York, 22 January-2 February 1990
Agenda item 4

DRAFT REPORT OF THE COMMITTEE

Rapporteur: Ms. Rose UKEJE (Nigeria)

Addendum

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

B. Consideration of reports

1. Initial reports

United Kingdom of Great Britain and Northern Ireland

1. The Committee considered the initial report of the United Kingdom of Great Britain and Northern Ireland (CEDAW/C/5/Add.52 and Amend.1-4) at its ...th and ...th meetings, on 24 and 26 January 1990 (CEDAW/C/SR.).

2. The representative of the United Kingdom, in introducing the report, stated the commitment of the Government to the rights set out in the Convention, to which it subscribed fully and of which it was conscious in terms of its international treaty obligations. The report had been prepared in 1987 and the introduction would present subsequent developments.

3. She noted that each government department was concerned with issues affecting women and that the main forum for co-ordination was the Ministerial Group on Women's Issues chaired by the Home Office Minister and including the ministers with policy responsibility for issues of special concern to women (e.g. health, employment and education). It had reviewed government policy in areas covered by the Forward-looking Strategies, co-ordinated government response to such issues as

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child care, public appointments and violence against women. It had also agreed on model instructions as the basis for departmental guidelines and organized senior staff seminars.

4. The second main body was the Equal Opportunities Commission (EOC) set up in 1975, which worked to eliminate discrimination and promote equal opportunity and reviewed the 1975 Sex Discrimination Act and had the power to conduct investigations, issue legally enforceable discrimination notices, assist individuals or bring its own cases. It consisted of 14 persons mostly part-time, with a full-time chairperson. A similar body existed in Northern Ireland.

5. To channel the input of non-governmental organizations (NGOs), a Women's National Commission had been set up in 1989 consisting of representatives from 50 women's NGOs with a joint chair consisting of one elected by the Commission and one minister nominated by the Prime Minister who represented the Commission on the Ministerial Group.

6. With regard to employment issues, the representative stated that the role of women in the economy had been recognized, public policy of economic growth had led to an increase in the number of women entering the economy, with 18 per cent more working full-time and 23 per cent more working part-time, as well as an increase in self-employed. More were gaining educational and vocational qualifications and entering non-traditional fields including medicine and dentistry, accounting and banking and finance. Women's remuneration was still only 76 per cent of men on average and there were far too few women in top positions. However, demographic changes, especially reductions in the number of young women entering the labour force, would mean that women would constitute up to 90 per cent of the future growth of the labour force. The Government had begun a campaign to train women for re-entry, including public information programmes and the development of child-care grants to trainees. The Government was also taking steps to promote flexible working patterns in the public service, which some private sector employers were following. Particular attention was being given to child care, with a five-point plan being implemented from April 1989.

7. On women's health, she noted that the subject had been specifically assigned to a minister at the Department of Health since 1989 and the issue had been debated publicly. New services targeted to women had been developed, including a recent concern with AIDS in women and with drug misuse, some of which involved funding programmes by voluntary organizations. Family planning services continued to be available, free of charge, under the National Health Service. Efforts were made to increase the proportion of women in medical staff and 50 per cent of medical students were now women, although the distribution among specialties was still unbalanced. Domestic violence was being considered in the context of a Home Office research study and a report from the Women's National Commission.

8. Education continued to be a focus for promotion of equal opportunities, which was a joint responsibility between national and local levels and the teaching profession. The Education Reform Act of 1988 sought to ensure a standard curriculum to prepare young people for adult life and to ensure that school activities were free of stereotyping and thus promoted equal opportunities. The

standard curriculum through age 16 would mean that girls and boys received the same courses. Special initiatives have been made to make new technologies like microcomputers available and equally accessible and to encourage girls to study science and technology, the success of which was being reflected in examination results. Programmes existed to encourage mature students with domestic responsibilities to pursue higher education.

9. Under social security, successive changes in the law had made the system more equal. Some differences remained that favoured women, particularly those who were older and had not worked, but which would eventually become redundant. Other provisions protected pension rights of persons unable to work because of a need to care for dependants.

10. Efforts had also been made to achieve equality of opportunity in the civil service and public appointments, including a campaign to identify women candidates for public appointments.

11. Discussing the reservations made to the Convention, the representative noted that many were interpretative and all were being kept under constant review with a view to withdrawing them whenever possible. She noted that a new tax law coming into force in April 1990 would permit the United Kingdom to withdraw its reservation to article 13 and that the employment Act of 1989 would eliminate most discriminatory legislation, although some occupations would still be prohibited if they would endanger the health of an unborn child. Equal pay was being improved through case law and family law had been modified to eliminate differential treatment of children born outside of marriage.

12. The Committee noted with concern the number and coverage of the reservations entered by the Government as they could contravene the intendment of the Convention. Clarification was requested of those reservations which were (a) interpretative, (b) likely to be withdrawn on the basis of changes in underlying legislation and when, and (c) permanent. The question was asked whether the reservations were similar to those made on other international conventions and if not, what differences might exist. On specific reservations, information was requested on the relationship of the Convention to national law in general reservation (a), whether reservation (b) was really necessary, and the meaning in reservation (c) of the reference to non-interference in the "affairs of religious denominations". The general reservation that "essential and overriding conditions of economic policy" could invalidate provisions of the Convention was questioned since it implied that if the economy was not bouyant, then equality was sacrificed.

13. Further information was requested on the functioning of the national institutions, including the relationship of the Ministerial Committee to the preparation of legislation, the means by which women's activities were mainstreamed in the work of government departments, the size of the secretariat, including the budget of the Ministerial Committee and the Equal Opportunities Commission (EOC), on how the Women's National Commission related to the Ministerial Committee, including the rationalization of differences and the role of women's organizations generally in the effort to achieve equality.

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14. Noting that the report covered crown territories, the reason for non-inclusion of Monserrat and Anguilla was requested. One member questioned the assumption of sovereignty over the Falkland Islands (Malvinas) in the light of international developments.

15. The amount of statistics presented in the report was noted and it was suggested that even more gender-based statistics would be helpful, particularly when figures were given only for women rather than comparing the relative situation of women with men. An absence of information about crimes commited by women (as opposed to commited against them) was noted. Integration of the statistics into the text of the report would have been helpful.

16. Regarding article 2, the number of cases heard by the courts under the 1975 Sex Discrimination Act was requested along with an appreciation of the extent to which women availed themselves of that remedy and it was asked what authorities other than the Equal Opportunities Commission (EOC) were empowered to apply sanctions for non-compliance. Details of the role of the Ministerial Group in co-ordinating and commenting on legislative proposals were requested.

17. Further details of the attitude of the Government to temporary special measures under article 4 were requested.

18. Regarding article 5, issue was raised about the extent to which existing obscene publication laws could be extended to cover "degrading and insulting" publications, as well as the role of the Equal Opportunities Commission (EOC) in that and the extent to which it was felt that existing laws permitted control of pornography. In the context of self-regulation by the media, the percentage of women on governing bodies of mass media institutions as well as in media decision-making generally was requested together with an indication of whether any of the existing bodies performed a monitoring function and an appraisal of the results of the negotiations between the Media Action Group and the Advertising Council. The working of the Sex Discrimination Act with regard to job advertising was requested as well as the likelihood of any code on the portrayal of women in advertising. Information on the existence of any sociological studies on sex roles was requested, as well as the effect of having a woman head of government on the image of women.

19. The specific definition of what constituted "consent" in terms of rape legislation was requested in connection with article 6, noting that "reasonable belief" that a woman is consenting had been used as a defence in rape cases, with particular reference to the legislation of the British Virgin Islands. In addition, it was noted that only half of those prosecuted for the crime were convicted and the reasons for that queried, including what happened to those acquitted, the normal sentence imposed, whether follow-up support programmes for rape victims were provided by the Government, and what the normal composition was of juries in rape cases. More generally, on the question of violence, whether women's organizations could become parties to suits, whether there were cases where women refused to prosecute and the extent to which training in domestic violence was part of regular police training. With regard to prostitution, details on prosecution of those living from their proceeds was requested, including sanctions

imposed and the status of the legal husbands of prostitutes in the British Virgin Islands, on the kinds of protection and counselling given to prostitutes, the extent to which there was evidence of trafficking in women from developing countries and government policies on that. Information on whether the revisions proposed by the Criminal Law Review Committee had been put into affect was requested.

20. Noting that little space had been given in the report to implementation of article 7, the question was raised about the paucity of women elected to parliament as the percentage was lower than the average for European countries, including the extent to which women candidates were allowed to run in "safe" districts. Information on the views of women's organizations on that question was requested as well as any measures being adopted by the parties themselves. The specific proportion of women among government ministers was requested. Regarding public appointments, it was suggested that indirect discrimination might be indicated by the low percentage (7.7) and information on any positive measures to deal with it was requested. The proportion of women in the judiciary was requested as well as a judgement about the prospects for women's upward mobility in public enterprises. Given the low percentage of women in public service (about which information was requested for the British Virgin Islands), it was asked which positions were restricted to men, what steps were being taken to improve the situation, including provision of child-care services to public employees and the working of the voluntary care-parent scheme, and whether the new appraisal system was working to the advantage of women.

21. Concerning article 8, information on the types of joint postings of spouses in the foreign service was requested, including the nature of individual entitlements in a joint posting, the frequency of men accepting special unpaid leave status to accompany a spouse, the possible duration or frequency of such leave, and the effects on career and social security. Questions were asked about efforts to recruit more women into the foreign service and the time necessary to reach ambassadorial rank as well as the proportion of United Kingdom women in international organizations and their ranks.

22. On article 9, referring to the new Immigration Act, the question was raised whether discriminatory provisions on immigration had been eliminated in 1987 and if that would encourage the Government to withdraw the corresponding reservation. A differential treatment of male and female spouses of students was noted and it was asked whether the Government intended to change that practice.

23. Regarding education, in connection with article 10, the existence of both co-educational and single-sex institutions was noted and it was asked whether there were studies of the relative effects and reasons for the continuation of single-sex schools. Explanation of any differences between the practices of England and Wales in integrating girls in the schools from the practice operative in Scotland was requested. As it was noted that education was compulsory from age 5, information about the existence of nursery schools for younger ages was sought. Questions were raised about education for non-traditional subjects in terms of whether the recommendations of the Cockroft report on teaching of mathematics had been implemented, results of computer-literacy and other technological studies through

single-sex groups and the role of the Department of Trade and Industry in encouraging that, as well as any other new means for encouraging women to take up those subjects. Clarification was requested on any information materials on positive action schemes that might be used by other countries. For the British Virgin Islands questions were raised about efforts to bring more students into school, including assisting girls forced to leave school for pregnancy and the relative percentage of illiterates.

24. Regarding article 11, it was noted that a major feature of economic policy was privatization and the question was asked about the existence of any studies on integration of women in the private sector. It was noted that the unemployment rate for women was lower than men and it was asked whether that was related to deregulation, whether that trend was also true for migrant women, and whether separate statistics were kept on them. Since much of the 43 per cent participation in the labour market was due to part-time employment, the question was raised whether part-time employees had the same protection as full-time and whether that was related to factors such as enterprise size, and what the reason was for the lack of relative growth in the labour force of women since 1975. It was asked whether there had been any significant changes in the percentage of women considering careers in science and technological fields. Information was requested on measures to apply provisions of the Convention to the agriculture sector, which had been noted as being conservative in orientation. The importance of re-entry in the employment of women was noted and the question of how long a duration of absence was normal and whether it was decreasing was asked together with whether relevant statistics were maintained. Concerning legal protection of working women, it was asked whether full equality had been achieved in social security benefits, including a clarification of how pensions for persons caring for severely disabled people were administered, whether the ban on night work had been lifted, on circumstances where a dismissal for pregnancy was illegal. Regarding women's unpaid work, figures on how many work in an unremunerated way in family enterprises were requested as well as information on methodological developments that would permit computation of the contribution of domestic work to the gross national product. It was noted that "lack of self-confidence" was given as a barrier to women's advancement in the economy and the question was asked regarding how extensive that was as a problem and what was being done. With regard to support to economic activity, information was requested on who had the main responsibility for providing child-care, the state, the enterprise or the individual and the extent to which older persons relied on public services.

25. Concerning article 12, clarification was requested regarding practices of abortion, including whether the requirement of a recommendation by two doctors was contrary to the Convention's view of women's self-determination, whether there were any new laws under consideration, the position of women's organizations on the question, the number of clandestine abortions, the reasons for pregnancies in girls under 16 and whether abortion at that age required family permission, how often the advice of the two doctors was rejected, and who had to pay for abortion. It was asked how contraceptives were distributed and what it meant in practice that family planning services were obtained through general practitioners. With regard to AIDS, the higher death rate for women was noted and the reasons for that were requested. Information was requested on what happened to women whose health had

been affected by violence and whether there were any institutional services for that. In terms of migrants, the existence of special programmes for health care of non-English-speaking migrant women was queried as well as the effect of the total ban on female circumcision, including information on who practised it and its real incidence.

26. The change in the tax law in conformity with article 13 was noted and it was asked whether a tax reduction of joint filers with only one income would act as an incentive to stay home, whether the reform implied had been controversial and whether the tax assessments would be completely separate. Whether, under open reception provisions, those changes would apply to the colonies was also asked.

27. Regarding article 14, information was requested on the outcome of work to fund rural transport, on the incidence and effect of rural enterprises headed by women and on job-creation programmes for rural women. For the Isle of Man, it was suggested that the problems of rural women would be difficult to solve there and information was requested on the procedure of working through members of the House of Keys, as well as the role of the EOC. The extent to which residents co-operated with police in cases of domestic violence was requested.

28. With regard to article 16, the extension of domestic violence legislation to co-habitees was noted and it was asked whether that would also be extended in the same way regarding property; similarly whether children born outside a marriage could inherit from their fathers and under what conditions. Concerning the British Virgin Islands and the Turks and Caicos Islands, it was asked whether those legislative changes could be made there through the open-reception provision. In view of the increase in families headed by women, the percentage of those families was asked as well as the extent to which they relied on support payments from former spouses or partners or on transfer payments and whether counselling was available to maintain families. Concerning judicial separation rather than divorce, the differences in legal status implied was requested, as was information on how property acquired during a marriage was divided at dissolution, including rights of non-working spouses and the extent of poverty among older women who had been divorced. As there were options in choosing a family name upon marrying, information on the proportion of choices made was requested.

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Addendum

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES

UNDER ARTICLE 18 OF THE CONVENTION

B. Consideration of reports

1. Initial reports

Thailand

1. The Committee considered the initial report of Thailand (CEDAW/C/5/Add.51) at its 156th, 157th and ...th meetings, on 24 and 26 January 1990 (CEDAW/C/SR.).

2. The representative of Thailand introduced the report, noting the Government's commitment to the advancement of women both as a matter of human rights and as essential to development. She noted that since 1988 the national machinery for the advancement of women had been a permanent National Committee on Women's Affairs with a secretariat in the Prime Minister's Office headed by a minister. Its function was to submit policies and plans for the advancement of women, provide support to other agencies and to recommend new legislation or revision of existing legislation to the Prime Minister.

3. A number of national policies had been developed to implement advancement of women, including the sixth five-year plan (1987-1991) and the 20-year long-term

women's development plan (1982-2001) that was expected to affect the five-year plans. Priority had been given to women and development in rural areas and urban slums, increased women's participation at the local level, promotion of co-operation between the public and private sectors, improvement in the national machinery, and to the encouragement of women's organizations. In addition, there had been an effort to develop indicators of basic needs and the establishment of targets. A number of legal changes were in process, including the establishment of a special committee on the planning process to make proposals for the next development plan.

4. With regard to local laws and practices, the few laws that conflicted with the Convention were those covered by reservations. Many laws existed to implement the provisions of the Convention, some of which pre-dated it, including the Thai Constitution of 1978, which guaranteed equality between men and women, and a number of specific laws such as that providing universal primary education, as well as reforms of laws governing matrimonial property.

5. Regarding specific issues, it was noted that the situation of de facto discrimination was not good, reflecting past practices but indicating the need to go beyond merely legal measures. For that, both political will and resources were required. That was noticeable, for example, in wage differentials. A lower percentage of women candidates (2.7 per cent) were elected to the parliament than male candidates (10.7 per cent) in the most recent election, for a total of 2.8 per cent women in the lower house of parliament. A better ratio of women to men was found among Thai nationals in international organizations. There was evidence of a breakdown in the family system because of the need of women to work in order to meet basic necessities and the pressures of the double burden of work and domestic responsibilities, with a consequent toll for children. Finally, the AIDS problem affected several special groups in society, although the main vector for AIDS spread was sharing of needles.

6. Thailand had made a number of reservations leading to gaps in realization of the Convention, which should be understood in the national socio-cultural setting. On article 7 the reservation related to exclusion of women from certain key military and administrative posts, especially the position of sub-district officer. The National Committee was working to reform part of the law by making the sub-district posts accessible to women. On article 9, the reservation was based on a fear that children of refugees and illegal immigrants born on Thai soil would benefit indiscriminately. There was some effort to make nationality pass bi-lineally. The reservation on article 10 was based on the fact that education in military institutions was restricted, although elsewhere equality had been achieved. Article 11, paragraph 1 (b), relating to the right to employment, had been reviewed and it was expected that the reservation would be withdrawn. The reservation on article 15, paragraph 3, was now in conflict with the law and would be withdrawn. The reservation on article 16 was based on existing laws and practices which fell short of the Convention, but were deep-seated and would require a step-by-step approach to modify. Finally, the reservation on article 29, paragraph 1, was the same as made by many States parties to international conventions.

7. For the future it was the intention of the Government to reduce some of the reservations to the Convention, deal with the issue of prostitution, including its decriminalization, take a preventive approach based on satisfying the basic needs of women and improve the legal basis for equality and to mainstream women's issues including the development and protection of the family system, for which the designation of 14 April as a national holiday to celebrate the family was one example.

8. The Committee indicated its concern with the number and extent of the reservations and, although the intention to keep them under review and begin removing some of them was welcome, the reservations could serve to nullify key aspects of the Convention. It was noted that although the Government had acceded to the Convention, it had not, in its own terms ratified it because that required all national laws to be put in line. The question was asked about the significance of that and how soon internal ratification would be completed. The fact that the 1978 Thai Constitution did not make explicit reference to equality between men and women was noted and it was asked whether that was likely to be changed.

9. The progress achieved between the submission of the initial report and its presentation was noted, especially in terms of developing a national implementation machinery, as was the intention of the Government to use the Convention as a vehicle to promote change. More information was requested about the relationship between the long-term women's plan and the successive five-year plans. It was asked whether the Convention had been given publicity in the country and whether it had been translated into the Thai language and the role of women's organizations in seeking its implementation. It was noted that one reservation referred to national security laws, and the question was asked whether there were instances of "prisoners of conscience" and whether any of them were women. As another reservation was said to have been based on a concern about the nationality of refugees and migrants, information on the situation of refugee women in Thailand was requested.

10. Concerning the national machinery, it was noted that only two women's organizations were members of the National Women's Commission and the criteria for choosing them was requested as well as the criteria used to select the other 15 members appointed by the Prime Minister. Information was requested on the size of the budgets given to the Commission, its committees and its secretariat. The fact that improved statistical data would be coming from the work of the committee on the co-ordination of data was noted and further information was requested.

11. Concerning article 2, information on the main obstacles to putting the Convention into effect in domestic laws was requested as well as a further indication of those laws considered to be inconsistent with the Convention. It was noted that the age of consent for defining sexual aggression as a crime had been raised from 13 to 15, and the question was asked whether it was felt that raising the age would help protect women, whether sexual aggression against girls older than 15 was considered to be violence and whether there were policies tc deal with it. As it was further noted that laws discriminating against the appointment of women into the judiciary had been repealed, the number of women who had become judges and public prosecutors was requested.

12. Regarding article 3, it was noted that in the 20-year plan a target of 30 per cent participation in leadership was set, and information was sought as to whether that was contradictory to the reservation on article 7, as well as whether there had been an evaluation of progress in implementation of the sixth five-year plan. Results of new legislation in reducing infant mortality and maternal health was requested as well as information about what was being done in that area.

13. Information on whether there were programmes to train teachers in human rights or other courses on human rights was requested in the context of article 5, together with information on the effects of and reaction to the seminars noted in the report.

14. With regard to article 6, the reform of the 1960 Act on the Suppression of Prostitution was noted and information or statistics on the incidence of prostitution was requested as well as indications of the relationship of poverty to prostitution, the extent to which prostitution catered to Thai men or foreigners (in the context of "sex tourism"), the flow of Thai women to Europe for that purpose and the policies and recent actions of the Government on that question.

15. It was noted, with regard to article 7, that there were relatively fewer women candidates elected than male candidates; the reasons for that were requested as well as the basis on which members of the upper house of the parliament were appointed and whether the Government or political parties intended to establish quotas. The extent to which women in parliament supported the national machinery was asked as well as whether support was received from male parliamentarians. Concerning the public service, the nature of the work of sub-district officers was asked in terms of why it had been considered in the past that women could not qualify for those posts. The extent to which women's organizations supported the legal reform effort was requested as well as whether women's organizations had the same priorities as the Government and if not, the nature of differences.

16. More detailed information was requested on the implementation of article 8.

17. Regarding article 10, it was asked whether textbooks used in schools showed the role of modern women, as opposed to traditional roles. As it was noted that the reservation on the article was based on access to certain military institutions, it was asked whether the reservation was not inconsistent with article 35 of the 1978 Constitution and whether it was significant enough to justify a reservation on the article as a whole. It was further noted that there was a lack of equality in access to vocational education, and information was requested on the views of women on the question.

18. Regarding article 11, the fields in which women's employment had been concentrated was requested along with information on whether those areas were female-dominated. Information was requested on the extent to which action was being taken to deal with the problems mentioned in the five-year plan as well as with the obstacles noted in the report under items (c) through (f).

19. In terms of family planning in connection with article 12, information was requested on measures taken with regard to family planning, especially the

two-child policy and on whether, rather than considering it as a woman's responsibility, steps were being taken to encourage men in family planning. A question was asked about how abortion was treated.

20. Concerning article 13, the absence of any description of problems relating to equality in bank lending was noted and it was asked whether that meant that there were no problems in that area, as well as the meaning of the statement in the report that "the family nexus acts as a form of social security".

21. On rural women, as specified in article 14, and in view of the predominance of women in the agricultural labour force, information was requested on land acquisition and inheritance practices as they affected women and the measures taken to improve women's position in that respect, as well as information on what was known about households headed by women in the rural areas.

22. Regarding article 15, the fundamental nature of the reservation in terms of the implementation of the article was noted.

23. The complete reservation on article 16 was noted, and the question was asked whether women's movements were active in seeking to modify the civil code to bring it into line with the Convention, whether dowry practices still existed and the extent to which women were able to take action in the case of bigamy.

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Addendum

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

B. Consideration of reports

1. Initial reports

Federal Republic of Germany replies

1. The representative of the Federal Republic of Germany, in replying to questions raised, noted first that the only reservation made, on article 7 (b) was because the provision of the Convention contradicted the federal Constitution which completely prohibited women from military service, and that was a provision which the vast majority of women in the country favoured. Moreover, it did not bar women from civilian aspects of the armed forces and for those reasons could not be withdrawn. She noted that the process of ratification of the Convention had not involved controversy as the Convention was already consistent with existing law.

2. Regarding her ministry, she noted that within the three-tiered governmental structure of the Government (which had federal, provincial and municipal levels), her ministry dealt with a variety of issues, for each of which a section existed at an equal level, one of which dealt with women. The Women's Division had existed since 1986 and had a mandate to promote equal rights and therefore played a role in all aspects of the federal Government. Its special areas of competence included policy on women's affairs, including a right to take initiatives in the form of

draft laws and interventions in Parliament, a right to request postponement within the cabinet on proposed laws, which must be reviewed in terms of their potential impact on women. It functioned as a focal point to assist other ministries dealing with questions relevant to women such as, for example, protection of women in the workplace that was the responsibility of the Ministry of Industry. The Division had a budget of DM 3.2 million per annum of which DM 15 million were provided to non-governmental organizations and research institutions, and which accounted for only part of the government budget for women's questions since many other budget sections funded women's programmes (e.g. on AIDS). Specific figures were not possible on the provincial and municipal levels owing to the diversity of institutions. Both women and men worked in the machinery and at the federal level 25 per cent of the staff were men, although at the provincial and municipal levels there was a greater predominance of women.

3. There was a long-standing tradition for women's organizations and movements going back to the nineteenth century, but currently 43 major women's organizations had come together in the Council of German Women, including groups from political parties, trade unions and churches. They worked closely with the ministry, which provided DM 750,000 per year for the Council's secretariat. Women's councils also existed at provincial levels. There was also what was called an "autonomous women's movement" which had evolved from concerns with abortion rights, violence against women and feminism, some of whose activities were also funded by the Government. Thus there had been no decline in the vigour of the movement, but rather growing participation.

4. At the international level, the movement of the European Economic Community towards a single market would affect women and the Federal Republic was participating in the formulation of the five EEC guidelines on equal opportunity, as well as in the work of the Council of Europe.

5. Regarding article 2 (c), sanctions existed in that where discrimination involved a violation of law, an individual or group could make use of the courts (e.g. labour courts). However, if it was not a violation of law, no direct sanction existed and no institution such as ombudsman had been created. On article 2 (e) the constitution prescribed equal rights for all women, citizens or non-citizens, but that governed the relationship of the individual with the State and did not extend to private relationships. Other legislation, such as the labour code, also prohibited discrimination; that applied to German and foreign workers as well and the State labour offices did not discriminate. However, employers could be forced to accept someone suggested by the labour office. Finally, on article 2 (g) the penal code did not permit abortions, but there was no punishment if the life of the woman was in jeopardy, if there was a physical or mental implication for the child, where the pregnancy was the result of a sexual offence or the birth would lead to a serious situation of dire need, and where the ground was certified by a doctor and after requisite counselling. The 1974 penal code had permitted abortion, but a subsequent judicial review had invalidated it. Because interpretation of the existing code differed according to province, women often travelled to other provinces or abroad. Statistics showed 83,784 abortions the previous year, of which 86.8 per cent were covered by the extreme need ground, but many more were performed clandestinely, up to 200-250,000 per year. Few convictions had been handed down and those had been controversial.

6. On article 4, temporary measures were a core of government policy, although politically the issue was one of dividing power and that was always controversial. Those opposing affirmative action often invoked the equal opportunities clause of the Constitution, but article 4 of the Convention was often used as a response. Positive action in political participation was a matter for the parties rather than the Government. No clear figures were available on the effect of the guidelines for industries, but it could be noted that 51,000 copies had been provided. The issue would be dealt with in detail in the second periodic report.

7. Concerning article 5, there was a policy of encouraging men to share in domestic responsibilities, and education and training funds as well as leave were equally available, but only 2 per cent of the fathers had taken advantage of the rights. It was expected that the younger generation was more likely to give up traditional role stereotypes, especially when mothers were more active. Sex education was included in the school curriculum, the need for family planning had been recognized and textbooks were reviewed regularly to eliminate stereotypes. There was no prior censorship of the media, although there was monitoring of broadcasts by the Broadcast Council, and many broadcasts continued to promote old images.

8. On article 6, the number of prostitutes was not known, although it was suspected that owing to a fear of AIDS the number may have declined. At the provincial level, counselling was provided and self-help efforts encouraged. That included counselling offices for foreign women. With regard to violence, there was a network of shelters (over 200) and a draft law was being considered to punish matrimonial rape.

9. Women's issues were of increasing concern for the political parties and several major parties had set quotas or targets to increase the participation of women, it was reported in the context of article 7. It was suggested that whether quotas were adopted or not - and differing views were held by women on that - participation would grow. It was noted that women in trade unions were underrepresented in top decision-making positions, one of the 16 major unions was headed by a woman. Among employers' associations, the proportion of women was very small. In the judiciary, 17.6 per cent of the judges and 17.6 per cent of the prosecutors were women.

10. Regarding article 8, information had been provided in the addendum to the report but assurance could be given that the criteria used to select women to represent the Federal Republic in international posts was professional competence. On article 9 it was confirmed that all previously discriminatory provisions of the law had been eliminated in 1970.

11. To increase the proportion of women in non-traditional fields of education, in the context of article 10, there were some problems in view of the various factors involved. Despite the benefits of the federal educational advantage law, many girls selected "women's jobs" that were more poorly paid, but that was being combated by providing information to induce girls into training programmes. In general the share of women in predominantly male professions had increased five-fold since 1977 to a total of 8.4 per cent. Pilot studies had shown that girls

were often better qualified than boys after training, but that girls often encountered problems because of customers' sexism. Illiteracy was non-existent in view of long-standing compulsory school attendance.

12. Regarding article 11, the reasons why only 265,000 women had entered the labour force between 1975 and 1986 were not easy to explain, although it was noted that over the same period the number of men in the labour force had decreased. From 1986 to 1988, however, there had been a further increase of 245,000. Regarding the use of the labour law to combat discrimination, the labour courts provided sanctions based on violation of civil rights and it was expected that a draft law would be passed in 1990 that would increase the amount of compensation in successful cases. Salary differentials had been made illegal but that had not been fully implemented in practice in part because salaries were set as part of collective bargaining that was outside state regulation. Women's recourse was through the labour courts and unions had undertaken class-action suits to press claims. There was evidence of wage discrimination in the "light work" group because some wages were set on the basis of "muscle power" exerted and that was being fought by more realistic evaluations of job difficulty, which should help in contract negotiations. Regarding part-time work, the existence of legal equality in law and contracts was noted and in addition a new law made further improvements by adopting protective stipulations for work-on-call and shared work. In general, employers must give part-time workers equal treatment in pay and benefits, although when part-time work was below certain thresholds (e.g. 16 hours a week), it was not covered by social security. More women than men were found in part-time jobs in order to reconcile economic and domestic responsibilities and that reflected the lack of sharing of the latter. Part-time work did affect career possibilities of women but that would change when more men were involved in part-time work.

13. In terms of protection in the workplace, access was restricted to 20 professional areas considered to have particular danger and stress, to wit: mine work, steel mills and construction. The general prohibition of women in construction was under review and it had been proposed that, upon certification of good health based on a medical examination, women be allowed to work in the sector, which would open up 14 of the areas. It was expected that the remaining 6 areas would not be opened up, in part because mine work was prohibited by an ILO convention. Women suffered a total of 17 per cent of work-related accidents in total. A number of policies had been adopted to ease women's return to the workplace, including counselling by labour offices and retraining programmes, often under joint sponsorship of labour offices, trade unions and business. Women's unemployment was still 2 per cent higher than men, in part because more women returned to the workforce after interruption and were looking for part-time positions that were scarce relative to demand. The migration of people from the German Democratic Republic did not seem to have had a special effect on women, although women from the German Democratic Republic trained in construction would be able to work only when the prohibition on women in construction was removed.

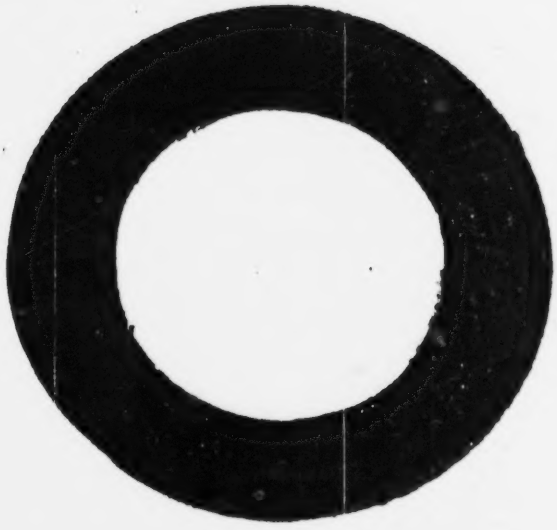
14. To help reconcile domestic and economic responsibilities, maternity leave was being strengthened, education funds were being provided to both women and men, there was pension insurance when parents took time from jobs during the period of early childhood, during which research had indicated the importance of the presence

of both parents to the children's development, and retraining opportunities were provided based on the period of prior employment. Kindergartens were considered desirable from age three and the view of the Government was that all children should be in a kindergarten in view of its importance to both children and women. The situation varied from province to province and only part of the need for full-time day care had been met.

15. Concerning article 12, it was noted that women constituted 291 out of 3,636 AIDS cases, mostly derived from drug dependency. Drug dependence among women had not been well-studied and that would be remedied. Special services had been developed for women coming from other cultures.

16. Relating to article 15, the existence of a union of housewives was noted that had been calling for a salary for homemaking although that had not been well-received. The Federal Statistical Office intended to develop figures showing the contribution of domestic work to the gross national product.

17. On article 16, women could retain the right of part of a pension upon division of property at divorce. The most common method of property division was for communal property in terms of value added during the marriage. There were no formal statistics on how family names were chosen although a survey made by the registrar's association in September 1988, indicated that depending on the size of the locality, between 1.5 and 5 per cent of couples marrying had chosen the woman's family name.



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DRAFT REPORT OF THE COMMITTEE

Rapporteur: Ms. Rose UKEJE (Nigeria)

Addendum

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

B. Consideration of reports

1. Initial reports

United Republic of Tanzania replies

1. In replying to questions raised by the Committee, the representative of the Government of the United Republic of Tanzania pointed out that the question of development was of primary importance in her country, and that the most important methods for implementing the Convention were the development of technical capabilities and skills among women, the sensitization of society, the adoption of new laws and the dissemination of information on the newly acquired rights of women. She said that her country was well aware of some discriminatory practices; however, rather than entering reservations to some articles of the Convention, it was her Government's firm intention to work systematically to eradicate those remaining practices.

2. Referring to article 2, she stated that the Government had completed the drafting of a policy on women in development, and the party, the Planning Commission and the women's organization UWT had started to work on the population policy. The Law Reform Commission was working on the reform of retrogressive laws, on the enforcement of articles of the Convention and on the review of

contradictions between customary and common law. She said that the Marriage Act was statutory law, which allowed women to dispose of property. Dowry existed only as a traditional and sometimes religious practice. It had not yet been banned by law, but it did not prevent divorce. She further stated that the Fourth Development Programme would hopefully include budgetary provisions for the advancement of the status of women.

3. Replying to questions raised under article 3, the representative stated that the Government had created the Department of Women's Affairs to deal with women's and children's issues. It was staffed with trained personnel, had specially allocated funds and was establishing focal points for women in several ministries. The Convention had been distributed to governmental and party circles and was being translated into the national language in order to give the widest possible dissemination of its contents. The party and the Permanent Commission of Inquiry were also active in removing discrimination against women. She further stated that rape was a punishable offence, but women felt embarrassed to file complaints. She gave figures of the number of women in the judiciary and referred to several cases in which women had taken claims of discrimination to court and won their cases.

4. On article 5, she said that studies had been carried out in several regions on the division of labour between women and men in agricultural activities. They showed that women worked harder because of the traditional gender division of labour and the need to sustain the family. Most activities in Tanzania were guided by the policies of the party, which ensured national unity without sacrificing individual or group interests.

5. Referring to article 6, she stated that prostitution was illegal, but that it was very difficut to get statistics on prostitution and that the Government was trying to eradicate it.

6. She said that the quota system for representation of women in various bodies had been very effective and was being used as a strategy to ensure the presence of women at all decision-making levels. That system did not deprive women from contesting for other seats. Referring to further questions under article 7, she said that there were several other women's organizations apart from UWT, most of which had been formed as a result of the United Nations Decade for Women and the Convention. The organization UWT was a mass organization from the national level down to the grass roots and had an advisory function on women's issues for the Government and the party. The reason for the drop in the percentage of women in the Central Committee of the party of Tanzania lay in the general decrease of the size of that body. Standards for women in politics were generally much higher than for men.

7. There was no discrimination regarding the transfer of nationality of a Tanzanian woman to her children. All children born in Tanzania were automatically Tanzanian citizens.

8. In response to questions on article 10, the representative said that there were sanctions against parents who allowed or encouraged the drop out from school

of their children. Curricula for family life education in schools were being developed by the Ministry of Education and girls who dropped out from school because of pregnancy were not readmitted to school because of lack of facilities for young mothers and because their expulsion was considered as a punishment. She said that the complete eradication of illiteracy was hoped for by the end of 1990.

9. Concerning questions raised under article 11 on measures taken to counteract discrimination in employment, she referred to pages 81 to 83 of the English text of the additional report. No data had been collected yet on the percentage of women who were homemakers compared to those who were employed. The women's organization UWT encouraged the establishment of child-care centres, but their number was still too low.

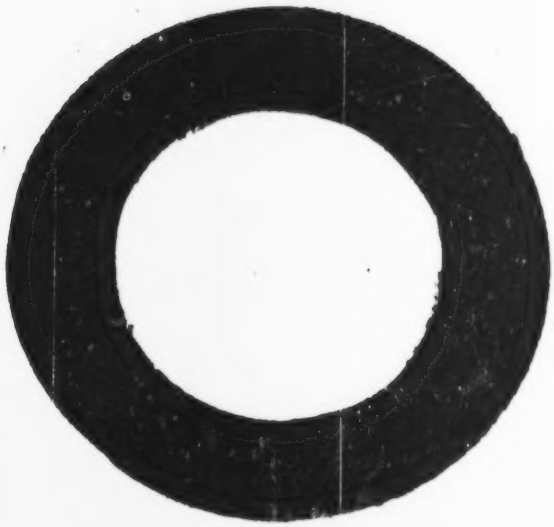
10. With regard to article 12, the representative enumerated several programmes that had been carried out to combat the high maternal and infant mortality and morbidity rates. The life expectancy was comparatively higher for women than for men, but it was low for both women and men because of difficult conditions in a developing country. Culturally, women were encouraged to have more children, economically not. Punishment for men who made schoolgirls pregnant ranged from fines to five years of imprisonment. Family planning was not part of the school curriculum, but contraceptives were distributed free of charge, mainly to married women. She gave some clarification on the question of sterilization and said that abortion was illegal except when the health of the mother was in danger. Prostitutes enjoyed the same health services as all others. Female circumcision was practised secretly and its occurrence was declining as it was frowned upon by Government and society.

11. In regard to article 13, she said that single and married women could own land and had access to credit. In order to facilitate accessibility to loans, banks had started women's desks and were providing easier lending conditions for women.

12. Concerning article 14, she said that action was being taken by the Government to provide training for women in modern machinery and technology; however, there was not sufficient financial support. She also mentioned the existence of a few co-operatives for rural women.

13. In respect of questions raised under article 15, she said that instead of a family code, different laws existed that governed family matters.

14. With regard to article 16, the representative said that the minimum age of marriage was 15 for girls and 18 for men. Divorce was not easily accepted by society and property acquired by both parties during the marriage would be divided equally in case of divorce. Women and men could choose freely whether they wanted polygamy or monogamy. She said that there were no statistics on the number of households headed by women, but that the status of the family was the same whether headed by a woman or a man.



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Rapporteur: Ms. Rose UKEJE (Nigeria)

Addendum

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

B. Consideration of reports

1. Initial reports

Malawi replies

1. In replying to the questions raised by the members of the Committee, the representative of the Government of Malawi explained that the National Commission for Women in Development had been established in 1984 and had originally been a forum for decision-makers and governmental and non-governmental institutions for examining the situation of women, co-ordinating women's programmes and promoting greater awareness of their rights among women. The Commission had seven sub-committees, which were specialized in particular areas and had clearly defined terms of reference. Some of the major achievements were the granting of three months' paid maternity leave for female civil servants, the training of women in business skills and appropriate technology and the implementation of family life education projects.

2. Apart from the League of Malawi Women, several other women's organizations ran programmes to advance the social and economic welfare of women. There were currently no legal provisions for punishing discriminatory practices. However, a task of the Legal Committee was to identify any laws that might encourage discrimination so that they might be repealed.

3. As an explanation of how the Government implemented the stipulations of article 3, she said that the League of Malawi Women played a major role in the formulation of national policy and that through that body women were able to play leadership roles. The Government had taken several initiatives aimed at promoting the social advancement of women and the penal law guaranteed equality of opportunity to women and men. She mentioned several institutions that had established programmes to advance the participation of women in economic activity.

4. With regard to article 4, the representative said that the 30 per cent quota for women in education had been adopted as a temporary special measure to accelerate women's de facto equality as due to the limitations in existing educational facilities, there was tight competition for school places.

5. Turning to article 5, she said that the Government intended to ensure the speedy elimination of the traditional practices that had advised the reservation entered to the Convention. The most important way to work towards that goal was through the educational system, by offering, for instance, vocational training courses in areas which had traditionally been reserved for men. The mass media also played a role in that process. The phrase of "noble calling" used in the report, referred to the stereotyped image of the woman as a good housewife and mother of many children and was sought to be eliminated.

6. Regarding article 6, she said that one of the steps that the Government was undertaking to eliminate prostitution was to make it mandatory to pay specific minimum wages to women employed as waitresses and bartenders.

7. Under article 7, she enumerated several non-governmental organizations that had become active in women's affairs since the recent past and said that about 90 per cent of women belonged to women's organizations. Between 1983 and 1988 the membership of women in farmers' clubs had risen from 17 to 30 per cent. She provided some data on the participation of women in political life and said that there were no special quota for women in local councils or Parliament. As a result of the existence of the League of Malawi Women, there was no difference between the patrilineal and matrilineal systems regarding the political participation of women.

8. Referring to article 8, she said, without giving detailed statistics, that women participated at all levels at international forums.

9. Turning to article 9, the representative said that a Malawi woman could transmit her nationality to her children.

10. Under article 10, she said that use was made of the media and of school counselling to influence behaviour patterns and as a consequence, more girls had started to enrol in non-traditional educational subjects.

11. Concerning article 11, she provided some data on women working in the agricultural sector and said that out of the total number of women working in agriculture, 85 per cent were in subsistence farming. Whereas three months' maternity leave was currently granted by the Government in the public sector, the private sector was not yet required to provide it. Both private and public sectors

offered social services to their employees. Day care centres were, however, mostly owned by the Government or private individuals and were open to women working in the public and private sectors. She also said that no person was discriminated against in the field of employment on the grounds of suffering from any disease.

12. Turning to article 12, she said, in addressing the resistance to family planning, that the Government had opted to use the concept of child spacing to implement its population programme by providing mothers with information on how to space their children. Education, the media and the political party were used to disseminate information on the advantages of the child-spacing programme. The number of births per woman in Malawi was currently 7.5. Pregnant women were provided with the necessary nutrition, free of charge, by governmental health clinics. The infant mortality rate was 151 per 1,000 and the maternal mortality rate 16 per 1,000. Traditional practices that could affect the health of pregnant women were gradually dying out.

13. Referring to article 13, she said that the widow and the children were entitled to equal shares of the deceased's property. The Legal Committee was currently trying to disseminate that law through the compilation of a booklet in English in simplified language and in the native language.

14. Turning to article 14, she explained the nature of the Block Extension System, which had been introduced in 1981, and under which 50 per cent of all farmers to be reached by extension workers would be women so that women had an equal chance with men to receive agricultural education. In agriculture, women were engaged in small-scale farming in their own rights, and in commerce, women ran small businesses.

15. With regard to article 16, the representative said that polygamy existed and was accepted by both women and men, and it was expected to be eliminated throu[illegible] educating the people on its economic and social disadvantages. Teenage marriages were being discouraged through the educational system. Unmarried women who were pregnant or had a child could apply to the court so that the man alleged to be the father could be summoned to court for determining issues relating to paternity and maintenance of the child. A person contravening the ensuing order committed a criminal offence. She further stated that divorce laws varied according to the type of marriage contracted. She also spelled out the inheritance rights that applied in case of the death of a male head of the family. The various types of marriages had their own laws that governed them and respective instruments to regulate them.

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Addendum

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 18 OF THE CONVENTION

B. Consideration of reports

1. Initial reports

Thailand replies

1. The representative of Thailand, in replying to questions raised, stated that traditional attitudes continued to impede elimination of de facto discrimination, much of which was a legacy of the past when equal opportunities did not exist, for example, in education. The Government, however, was committed to equality in both formal and non-formal education. She stated that the National Commission on Women's Affairs consisted of representatives of key government departments, representatives of two umbrella non-governmental organizations and individual experts drawn from both the governmental and non-governmental sectors. The Commission now gave priority to preparation of the next development plan and linking it with the 20-year long-term women's development plan. Concerning the Parliament, it was noted that whereas the lower house was elected, the upper house was appointed largely from high-ranking civil servants or the military, in which there were few women. For the lower house, a traditional attitude that women should not participate in politics had affected the number of women (10 of the 357 members), although all parties now welcomed female candidates. The women's plan contained targets for more women in legislative bodies but no quotas had been

set. The women parliamentarians came from four parties and were enthusiastic about supporting women's development. Finally, the establishment of a national family day was considered a positive step.

2. In terms of the question about the status of the Convention, it was stated that Thailand had acceded to the Convention but had not ratified it, in terms of Thai domestic law, since that would have required approval by Parliament and adjustment of all domestic laws. For that reason, the Government had taken a cautious approach to the Convention and had entered reservations wherever the Convention had seemed to differ from domestic law or practice. It was necessary to convince people about the necessity to adjust law to the Convention and it was hoped that the views of the Committee would help do so. It was noted that the Convention was one of the few human rights instruments to which Thailand had acceded. Each reservation had its basis: article 7 because of certain reserved occupations, article 9 because in Thai law and practice nationality was passed on through the father; article 11, paragraph 1 (b), because of the law prohibiting night work, article 15, paragraph 3, because the law had been ambiguous, article 16 because the law did not meet the requirement of the Convention and article 29, paragraph 1, because of a sovereign State's right to decide who adjudicated disputes. However, it was likely that the reservations on articles 11 and 15 would be withdrawn in the light of domestic legislative changes.

3. On article 1, the definition of the word "discrimination" was still unclear in Thai law, as Thailand had no sex discrimination act to provide such a definition, although if it involved a violation of rights, the civil and political codes could be used to protect basic rights. Development of such a law was on the agenda for the future.

4. Concerning article 2, the 1974 Constitution had stipulated equality between men and women while the 1978 Constitution mentioned equality between persons, but was being interpreted broadly. It would be difficult to amend the Constitution to make the stipulation more explicit. In Thai practice, unlike in other countries, the Constitution did not confer rights directly, as they had to be seen in the light of an implementating law. The concept of national security was part of all rights and there was a question of how best to achieve a balance between national security and international human rights standards, a point which the Committee might wish to take up more generally.

5. Regarding article 3, the distinction between the five-year plans and the 20-year women's plan was that the five-year plans were general in approach and, although the fifth five-year plan (1982-1986) had had a specific section on women, the sixth plan had decided to maintain the issue of advancement of women as a transverse theme throughout the plan. The 20-year plan included numerical targets, many of which were now being included in the five-year plans. In terms of the amount of resources for women's activities, it was noted that the budget was organized by ministry rather than subject-matter and therefore no clear estimate was possible. It was stated that in regard to the work of government and non-governmental organizations, men as well as women were involved. Concerning some key statistics, it was noted that of 1,160 judges, 10 per cent were women and of 1,400 prosecutors, 6.9 per cent were women. Of heads of household, in 1986 some

19.2 per cent were women. Infant mortality had declined from 51.9 per 1,000 in 1979 to 41.3 per 1,000 in 1984. The literacy rate was 97 per cent, but 88.3 per cent of women had had only primary education. Participation in the labour force consisted of 75 per cent of men, 51 per cent of women, the largest portion in each case working in agriculture.

6. In terms of article 5, it was noted that efforts had been made to disseminate the Convention using seminars and mass media, but that that had reached mostly the urban areas. To reach the rural areas, other techniques were required, including translating the provisions of the Convention into ideas understandable to the average woman, incorporation of legal education into other training and development of programmes as a follow-up to training.

7. Concerning article 6, prostitution was illegal and in the informal sector and accordingly there were no official statistics. It was related to poverty and therefore combating it required dealing with the root causes of rural-urban and international migration. It was also necessary to distinguish between forced and voluntary prostitution and to have measures appropriate to each. Laws were difficult to enforce, did not affect the consumer and the Government was more favourable to a social approach emphasizing rehabilitation measures. With regard to the connection between prostitution and tourism, government policy did not support the connection, but there was a need to convince the private sector. It was also noted that there was a conception of the problem on the part of some countries and that had led to the unfair treatment of Thai women seeking visas or crossing borders and that called for a more balanced approach by other countries.

8. Regarding article 7, the government structure built up from the village level, the sub-district, the district and then central. Before 1982 women were not allowed to be village or sub-district chiefs but there were now a small number. Women were still prohibited from being sub-district officers but the National Council on Women's Affairs was reappraising that policy and there were signs of change in the works.

9. Regarding article 10 on education, the same opportunities existed for men and women in education and anomalies only existed in some institutions reflecting stereotypes, although the Ministry of Education was making efforts to change them. There was a need to broaden non-formal education and the commitment of the Government was reflected in the fact that a world education conference would be held in Thailand in March 1990. Sex education programmes existed and the rise of AIDS had helped develop interest in it. Human rights education was available at the university level, including women's rights, and was integrated into primary and secondary level teaching, although there was a tendency to emphasize duties rather than rights. Women's studies programmes were provided at the university level.

10. On article 11, there were differences between law and practice in equal employment. Social security was provided to a limited extent in cases primarily connected with occupation-related disability. It was expected that the extended family system would provide social security, although it was noted that that system was breaking down in some respects. The problem rested in the relative roles of the family and the State as the cost involved was already too high for the State to

assume more responsibility. There were some efforts to increase the availability of paid maternity and paternal leave, but that in large measure would depend on the individual enterprises themselves.

11. In relation to article 12, family planning existed but there were still some attitudes that tended to place the responsibility for contraception exclusively on women, attitudes that were being combated through education. Abortion was illegal except for threats to the woman's health or when pregnancy was a consequence of sexual assault. There had been proposals by non-governmental organizations to broaden the law to cover potential foetal deformity, economic and social factors and failure of contraception, but there were differences of opinion on that among different groups. In regard to violence, the law was clear that rape was a criminal offence. In the 1987 law reform, the legal age of consent, for the purpose of culpability, had been raised to 15.

12. On articles 13 and 15, women had equal contractual status with men, including the grant of bank loans. Some governmental agencies and non-governmental organizations were providing loans specifically to women's groups to foster women's small-scale enterprises, although credit was still not sufficiently accessible. There was still a need to reach the private sector for that.

13. Concerning article 16, the law did not favour bigamy, but it was vague. The sole legal penalty was a reprimand when a person tried to register a bigamous marriage. There had been efforts to change the law, but that had not passed, having been defeated by a small margin.

14. In general, on refugee women, it was explained that Thailand had not acceded to the International Refugee Convention and therefore the issue was asylum-seekers, about 60 per cent of whom were women and children, largely Indochinese. Under the law, asylum-seekers were considered to be illegal immigrants with duties rather than rights. Policy, however, was to bend the law for humanitarian considerations, with emphasis on screening, under the rule of first asylum. Those found to be legitimate refugees were allowed to stay temporarily while awaiting third-country placement, and were not repatriated. The issue was both sensitive and complex.

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Addendum

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

B. Consideration of reports

1. Initial reports

United Kingdom of Great Britain and Northern Ireland replies

1. The representative of the United Kingdom of Great Britain and Northern Ireland, in replying to questions raised, stated that where statistics disaggregated by gender had not been presented, an effort would be made to incorporate them into the second periodic report.

2. She stated that the number of reservations made should not be taken as a lack of commitment as they reflected the country's practice for all instruments in which detailed declarations of understanding were necessary when, in the view of the Government, the wording of the Convention was imprecise because ratification occurred only when the United Kingdom was in a position to implement it in domestic law. Where implementation was not possible, it was reflected in a reservation, kept under review with a view to withdrawal when possible. Organizations were not consulted on the reservations, but the intention to make them was made known during the debate on the Convention in Parliament and in any case were similar to those found in the Sex Discrimination Act of 1975. The reservations were not similar to

those made on the International Covenant on Civil and Political Rights as the purposes of the Convention and the Covenant were somewhat different, but there was no inconsistency between the two sets of reservations.

3. The Ministerial Group on Women's Issues included as members 13 ministers, with the Home Office Minister as chair. The vice-chair was currently the Minister of Education who was also the co-chair of the Women's National Commission and as such reported the Commission's views even when they differed from those of the Government. As each ministry had its own specific responsibility, the Ministerial Group dealt with inter-departmental issues, based on the agenda drawn up by it, to which other ministries were invited as necessary. The secretariat of the Group was located in the Home Office, where it had been given new posts and extra staff. The Home Office responsibilities went beyond those found in the typical ministry of the interior as it retained a number of policy areas including that of equal opportunities for women and ethnic minorities. It made use of a network of officials in other ministries concerned with women's issues, including the Women's National Commission. One outcome was the model guidelines intended to raise awareness of de facto discrimination, which were widely disseminated.

4. The Equal Opportunities Commission (EOC) was a publicly funded non-governmental organization maintaining operational independence, both in Great Britain and Northern Ireland. The Home Secretary appointed commissioners for Great Britain and the Secretary of State for Northern Ireland for that territory. Both commissions reviewed equality legislation and submitted proposals for reform as a public document that could be used by any Member of Parliament to introduce legislation, although in practice the channel was the appropriate ministry. In 1988 the EOC for Great Britain proposed changes in law to cover private clubs and the number and coverage of offices was being considered for expansion.

5. Regarding article 2, employment cases were heard by industrial tribunals while non-employment cases were channelled through County or Sheriff Courts (according to the jurisdiction) and could be appealed. Legal aid was available. Historical statistics were not available but those for 1987-1988 revealed in Great Britain 1,043 equal pay claims in industrial tribunals plus 691 sex discrimination claims with varying results. A number of cases were also heard on appeal. Similarly in Northern Ireland, from 1976 to 1989, 55 equal pay and 157 sex discrimination cases were heard, also with varyng results. The EOC itself had limited power to sanction in relation to systemic discrimination derived from its investigation powers, and they could be appealed in the courts, which bore the major responsibility for enforcing legislation. Complaints about education were referred to the Secretary of State for Education for investigation. However, in 1989 a Women's Legal Defence Fund was launched, with government support, to help more women to bring complaints under the legislation. Crimes committed by women differed somewhat from those by men and there were also differences between women and men in terms of processing in the legal and penal systems. There were efforts under way to study and remove those differences.

6. Positive action called for under article 4 existed but was restricted because the Sex Discrimination Act of 1975 prohibited any discrimination against women and men. But in order to allow special measures to encourage women to enter areas of

non-traditional work, it permitted special access training for such work targeted advertising and single-sex training for people returning to work after a period of discharging domestic responsibilities.

7. On article 5, the Government had supported tightening the Obscene Publications Act 1959 to cover material grossly offensive to a reasonable person, although the outcome would partly depend on a review of research evidence on the effects of pornography. The term "corrupt" as a test for obscenity was not defined in the act but the courts had held that it referred to the mind and the emotions as well as to any physical sexual activity. A major study on women in advertising was about to be published by the Advertising Standards Authority on the issue. The EOC's power to bring legal cases on advertising was limited, but it emphasized education, and films were reviewed by the British Board of Film Classification that would not classify films that breached the criminal law. Detailed information was not available on the percentage of women in the broadcasting authorities, which were independent and made their own judgements on content, although the British Broadcasting Corporation programme guidelines included guidance for procedures on the portrayal of women. EOC had taken cases to court on job advertisements and had produced leaflets. A number of sociological studies were regularly produced on attitudes towards gender equality.

8. Relating to article 6, sex education programmes in the schools were provided within the limits of the 1986 Education (No. 2) Act, which gave school authorities the responsibility for determining whether to provide it and if so within a clear moral framework. In funded schools the national curriculum on science required that pupils understood the process of reproduction in human beings and the need for a responsible attitude to sexual behaviour. On rape, the figures indicated an increase although that might reflect improved reporting. Efforts were being made to deter and reduce opportunities for such crimes. Women's organizations had no standing in rape trials, jurors were selected randomly and those found not guilty were acquitted. There were shelters receiving support from local-level authorities and a national rape counselling and research project had been funded centrally. In Scotland a circular of guidance had been issued to police to help them treat complaints of sexual assault tactfully and sympathetically. On prostitution, the Criminal Law Revision Committee had recommended combining current separate offences for men to three gender-neutral offences and other reforms had been proposed that were under consideration. There was no evidence of trafficking for prostitution, which would be illegal, and no figures existed on the extent of prostitution, nor any rehabilitation programmes. The legal status of the husband of a prostitute living off her earnings was not clear.

9. Regarding article 7, a study had been published on 23 January 1990 entitled "Women at the Top", examining the barriers faced by women in public life. For Parliament, major party candidates were approved centrally and selected by the local party, but women had not put themselves forward as often as they might although that was increasing and there was a group that set themselves a target of getting over 300 members of Parliament (i.e. 50 per cent). In Parliament there currently were 41 women MPs (6.3 per cent), which explains why there were only 7 ministers out of 84 (8.3 per cent). No information was immediately available on the positive discrimination approach of the major political parties who, in any

case, were in the selection process for the next election. In the public sector, among senior judges there were none in the highest appeals court, one in the next level, one High Court Judge, 17 Circuit Judges and 25 recorders, although that was expected to improve as more women entered lower levels of the judiciary and the legal profession. Over half of the law students currently were women, as were 43.8 per cent of magistrates. The Civil Service Action Programme begun in 1984 had had the effect of slow but steady improvement that was expected to accelerate during the next 10 years, as 46 per cent of new appointments in the mainstream management grades, 41 per cent of the new entrants in the fast stream administrative grades, among others, were women and improvements were beginning to be registered at the top levels. The proportion of Civil Servants working on a part-time or job-share basis was small but increasing, and efforts were being made to provide child-care and job-return services, as well as expansion in maternity benefits. Although women's promotion rates had been slower than men, recent changes in seniority factors affecting promotion were expected to improve equality in that process; the appraisal system emphasized actual achievements and further work was expected on that aspect. The number of gender-restricted posts had been greatly reduced since 1986, leaving only the Royal Fleet Auxiliary and Royal Navy Supply Transport Services, the Scottish Prison Service and mining inspection as restricted posts. The percentage of women obtaining public appointments was rising, in part thanks to efforts encouraging women to put their names forward and guidelines had been issued to departments with a view to encouraging their selection.

10. On article 8, information was provided on steps to enable diplomatic couples to continue their foreign service careers by sending them to the same duty stations, often split between embassy, consular and mission functions, providing types of leave, including special leave without pay, which could be counted towards promotion. The operation of the Special Unpaid Leave programme was described and it was noted that efforts were being made to recruit women in the Diplomatic Service that had yielded a higher percentage of women recruited over the preceding four years, varying from 16 to 46 per cent. Figures were not available on United Kingdom women serving in international organizations.

11. Regarding article 9, all nationality and immigration provisions that might have discriminated against women had been eliminated. One rule continued to discriminate in favour of women in terms of the transmission of citizenship to children. The difference between having spouses of male and female students admitted was due to a need to restrict access of immigrants to the job market and was not being considered. In the time available, figures on the number of women refugees could not be obtained, although figures were presented on the total number of refugees.

12. Regarding article 10, about 45 per cent of three to four year olds currently attended funded schools and about 85 per cent participated in some organized educational or care provision. There was no policy in England and Wales to reduce single-sex education, nor was there any research on the effect of those schools, although EOC had sponsored some projects dealing with science and engineering that were being followed up, especially in the teaching of mathematics. There was a concern that teaching methods might have unintentional discrimination (the

so-called "hidden curriculum") and that was being approached through teacher training. With regard to ethnic minorities, the national curriculum should help assure equal standards and access, but there might be a need to provide for specific needs of minorities in such areas as language training.

13. Concerning article 11, the high incidence of part-time work for women was partly caused by the fact that many women in the United Kingdom did not wish to work full-time in view of their family responsibilities and it was a question for which women should be able to exercise free choice. The Government was concerned that part-time jobs would be low-level and low-pay. The Civil Service was trying to set an example. Protection for part-time workers included coverage by equal pay and anti-discrimination legislation but entitlement to other protections depended on the number of hours worked per week and years of service. Contribution to social security was based on threshold earning levels rather than hours worked and some aspects were unrelated to remunerated work. On earning differentials, there had been a slight improvement in 1989, but that was affected by hours worked and thus reflected the part-time work phenomenon and lower seniority of women. Several major steps were taken to encourage girls' career choices away from traditional areas, including examination of curriculum, information programmes and specific training programmes designed with women's needs in mind. An effect of various programmes was the increase in the number of women in professional and related occupations in science, engineering, technology and similar fields (from 95,000 in 1985 to 108,000 in 1988). Studies had been done on women in the private sector, programmes to increase women's self-confidence and on women's re-entry to the job market, for which statistics were provided, indicating a more rapid return than previously after childbirth. The responsibility for child care was said to rest principally with the parents but employers had a part to play. Women's unemployment, like men's, had been falling, specific figures were not available on the rural informal sector and government policy was to reduce unemployment. Deregulation had impacted favourably on women's employment, minority women were less unemployed than minority men and all anti-discrimination measures applied equally to agricultural employment. Dismissal for pregnancy could be litigated under existing law. The EOC voluntary codes were considered to be working well, labour union membership was not a basis for job advertising and would gradually not be a requirement for hiring, but 32 per cent of trade union members were women and six unions were led by women. The relationship between drugs and employment had not been studied. Night work restrictions had been lifted; statistics on unpaid work in family enterprises were not immediately available and the value of domestic work in the gross domestic product was difficult to calculate. In terms of pension rights, the remaining gender differences were in the main favourable to women. The social security budget had increased over time in real terms, including funding of the National Health Services.

14. On article 12, abortion was generally permitted in only a limited number of circumstances when certified by two medical doctors, including threat to the mother's life, physical or mental health, the physical and mental health of existing children, probable abnormality in the foetus or emergencies. The issue was considered to be a medical question but social factors were also taken into account. Figures on abortions referred to those that were effected legally and there were no figures on clandestine abortions. Although the medical profession

believed the current law was working, opinion was divided among women's and other groups. Abortions were free when performed in National Health Service hospitals and while elsewhere there were charges, some financial aid sources existed. For girls under 16, abortion was possible without parental consent if the doctor agreed. Some statistical evidence existed of success in the reduction of deaths from illegal abortions. Family planning was free and some 70 per cent of women in the fertile age range used some form of contraception. It was available to those under 16 with parental consent or sometimes without. Studies were being made of the relationship between prostitution and AIDS but the main vector was thought to be drug users, of whom some were prostitutes. There was a number of local initiatives to prevent the spread of HIV and AIDS. Of those who had died from AIDS 10 per cent were women. Some efforts were made to meet the specific health needs of ethnic minorities, including use of languages, preparation of special material and special outreach programmes. The United Kingdom had made female circumcision illegal, but there had been no prosecutions under the Act with a reliance instead on education and information.

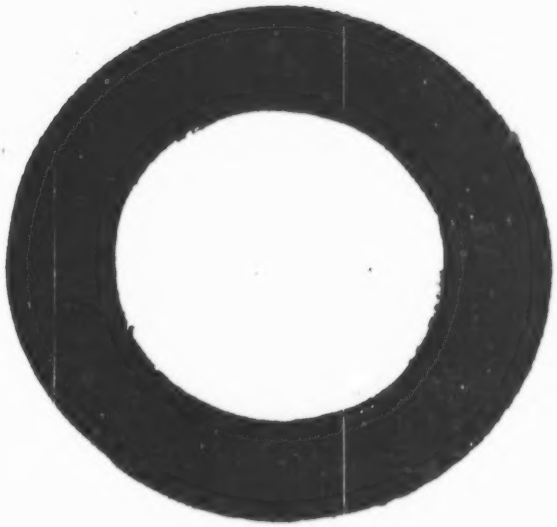
15. On personal taxation, regarding article 13, some 70 different organizations, including 12 women's organizations, had commented on the Government's Green Paper that had led to taxation reform. The new allowance for joint filing was not sufficiently large to encourage women to opt out of the workforce. A number of Sports Council initiatives to encourage wider participation were described and it was noted that women's participation in sport was a priority for the Sports Council's new campaign starting in 1988.

16. On article 14, programmes of rural transportation to ease economic participation were under way, but no gender figures were available on participation in rural development training.

17. Concerning article 16, judicial separation rather than divorce seemed to be chosen for a number of reasons, including when the marriage had been of short duration, when there were religious reasons or personal reasons. There were no differences in status when a judicial separation was used. There was no central information on the extent to which divorced women relied on maintenance from an ex-husband, but one third of divorced single mothers and two thirds of all single parents needed to rely on Income Support. The maintenance system was thus under review. Property division upon divorce was made by the courts based on a number of factors, with first consideration being given to the needs of the children. The basis for family breakdown according to the statistics were unreasonable behaviour, adultery and separation with consent. Those figures masked class and other factors and no clear judgement of causes of family breakdown were possible, although it was noted that the figures did not show that a greater number of marriages had broken down, merely that a greater number of divorces were taking place. A number of reforms were being considered, emphasizing conciliation. Programmes were available to older women who had not worked, including single parents, to endure re-entry, maintenance and child-care services, as well as aspects of the pension scheme. On how many women keep their own name at marriage, it was noted that naming was a matter of custom rather than law and therefore no statistics were kept. No particular term had been identified to refer to children born outside marriage, the law of inheritance did not discriminate against those children and under some

circumstances a co-habitant could apply for benefits arising from the death of a partner, but no effort had been made to extend maintenance and property distribution rights to co-habitants since that would be hard to determine and would, in any case, remove much of the significance of the institution of marriage.

18. Concerning the dependent territories, the United Kingdom had no doubt about its sovereignty over the Falkland Islands. Reporting had only been made on those dependent territories that had opted to ratify the Convention, which did not include Montserrat and Anguilla, and the remit of the EOC did not extend to those territories. Because of differences, the adjustment of law and practices to the Convention proceeded at a different pace in the territories. On specific points, regarding article 6, there were few cases of rape in the British Virgin Islands and prosecutions were difficult when the victims, often visitors, were unwilling to return for the trial, and there had been no cases of prostitution brought to court in 20 years. The proportion of women in the Government of the Turks and Caicos Islands was given. Regarding loss of education for pregnant girls in the territories, in the Isle of Man opportunities were offered to continue education, in Turks and Caicos a new system was being developed but no services were yet available in the British Virgin Islands. Third-level education was now available in the British Virgin Islands. Regarding maternity leave, new provisions had come into force in both Turks and Caicos and British Virgin Islands. The Finance Act of 1988 would not be extended to the territories as for different reasons there was no need. Information on other questions was not immediately available.



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DRAFT REPORT OF THE COMMITTEE

Rapporteur: Ms. Rose UKEJE (Nigeria)

Addendum

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 18 OF THE CONVENTION

B. Consideration of reports

1. Initial reports

Peru

1. The Committee considered the initial report of Peru (CEDAW/C/5/Add.60) at its 163rd and ... th meetings, on 30 and 31 January 1990 (CEDAW/C/SR.).

2. The representative of Peru, introducing the report, recalled international efforts to overcome discrimination and achieve the full participation of women but that that had taken place in the context of economic difficulty relating to development. His country had had to cope with a difficult development problem but had given particular attention to improving the status of women. Peru supported the Convention for Peru's Constitution provided in article 2 that women and men had equal rights under the law. Under Peruvian jurisprudence, the Convention would prevail over national law should there be a conflict. Different cultures and values existed in Peru and the report reflected that diversity. For that reason, elimination of discrimination against women called for a special effort.

3. Regarding women in political life, women constituted 5.5 per cent of the lower house of parliament and 4.8 per cent of the senate, there were three ministers and many other women in high positions in the public service, including one of the four

under-secretaries-general in the diplomatic service. He noted that in the forthcoming elections, there were many female candidates who had decided to run despite the threats and danger that that decision implied for them.

4. He further said that the de facto situation of women fell short of the expectations of the Convention, although the Government was making efforts to achieve equality. The economic situation of the country, in the face of the debt crisis, the impact of drug trafficking and terrorism had all combined to restrict the country's capabilities and the understanding of the international community of that situation was necessary, and the elimination of discrimination against women would be possible only if the developed countries co-operated to help eradicate poverty and violence.

5. He further stated that after the general description of the country, the report described constitutional provisions as well as the civil code. It then examined issues relating to the family, including issues of status, property and divorce. It examined representation in elected offices. It noted gaps in legislation concerning women's participation in the labour market. It described assistance in the health area to vulnerable groups, which had not succeeded as expected. Regarding rural women, the report emphasized the absence of protective measures and the use of agricultural co-operatives.

6. He stated that the questions posed by the Committee would be particularly useful in helping to prepare the second periodic report. The initial report reflected the Government's commitment to the elimination of discrimination against women, but was not intended to justify what had not been achieved.